

AMENDED IN ASSEMBLY AUGUST 4, 2014

AMENDED IN SENATE JANUARY 21, 2014

AMENDED IN SENATE JANUARY 6, 2014

AMENDED IN SENATE APRIL 23, 2013

AMENDED IN SENATE APRIL 11, 2013

SENATE BILL

No. 808

Introduced by Senator De León

February 22, 2013

An act to amend Sections 11106, 16520, 23910, and 28230 of, and to add Chapter 3 (commencing with Section 29180) to Division 7 of Title 4 of Part 6 of, the Penal Code, relating to firearms.

LEGISLATIVE COUNSEL'S DIGEST

SB 808, as amended, De León. Firearms: identifying information.

Existing law authorizes the Department of Justice to assign a distinguishing number or mark of identification to any firearm whenever the firearm lacks a manufacturer's number or other mark of identification, or whenever the manufacturer's number or other mark of identification or distinguishing number or mark assigned by the department has been destroyed or obliterated.

This bill would, commencing ~~January~~ *July* 1, 2016, require a person who manufactures or assembles a firearm to first apply to the department for a unique serial number or other identifying mark, as provided. The bill would, by ~~July 1, 2016~~; *January 1, 2017*, require any person who, as of ~~January~~ *July* 1, 2016, owns a firearm that does not bear a serial number to likewise apply to the department for a unique serial number or other mark of identification. *The bill would prohibit the sale or*

transfer of ownership of a firearm manufactured or assembled pursuant to these provisions. The bill would prohibit a person from aiding in the manufacture or assembly of a firearm by a person who is prohibited from possessing a firearm. The bill would make a violation of these provisions a misdemeanor. By creating a new crime, this bill would impose a state-mandated local program.

The bill would require the department to issue a serial number or other identifying mark to an applicant meeting specified criteria and would allow the department to charge a fee to recover its costs *associated with assigning a distinguishing number or mark pursuant to the above provisions.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11106 of the Penal Code, as amended by
- 2 Chapter 103 of the Statutes of 2014, is amended to read:
- 3 11106. (a) (1) In order to assist in the investigation of crime,
- 4 the prosecution of civil actions by city attorneys pursuant to
- 5 paragraph (3) of subdivision (b), the arrest and prosecution of
- 6 criminals, and the recovery of lost, stolen, or found property, the
- 7 Attorney General shall keep and properly file a complete record
- 8 of all of the following:
- 9 (A) All copies of fingerprints.
- 10 (B) Copies of licenses to carry firearms issued pursuant to
- 11 Section 26150, 26155, 26170, or 26215.
- 12 (C) Information reported to the Department of Justice pursuant
- 13 to Section ~~26225~~ or 26225, 29180, or 29830.
- 14 (D) Dealers' records of sales of firearms.
- 15 (E) Reports provided pursuant to Article 1 (commencing with
- 16 Section 27500) of Chapter 4 of Division 6 of Title 4 of Part 6, or
- 17 pursuant to any provision listed in subdivision (a) of Section 16585.
- 18 (F) Forms provided pursuant to Section 12084, as that section
- 19 read prior to being repealed on January 1, 2006.

1 (G) Reports provided pursuant to Article 1 (commencing with
2 Section 26700) and Article 2 (commencing with Section 26800)
3 of Chapter 2 of Division 6 of Title 4 of Part 6, that are not dealers'
4 records of sales of firearms.

5 (H) Information provided pursuant to Section 28255.

6 (I) Reports of stolen, lost, found, pledged, or pawned property
7 in any city or county of this state.

8 (2) The Attorney General shall, upon proper application therefor,
9 furnish the information to the officers referred to in Section 11105.

10 (b) (1) The Attorney General shall permanently keep and
11 properly file and maintain all information reported to the
12 Department of Justice pursuant to the following provisions as to
13 firearms and maintain a registry thereof:

14 (A) Article 1 (commencing with Section 26700) and Article 2
15 (commencing with Section 26800) of Chapter 2 of Division 6 of
16 Title 4 of Part 6.

17 (B) Article 1 (commencing with Section 27500) of Chapter 4
18 of Division 6 of Title 4 of Part 6.

19 (C) Chapter 5 (commencing with Section 28050) of Division 6
20 of Title 4 of Part 6.

21 (D) Any provision listed in subdivision (a) of Section 16585.

22 (E) Former Section 12084.

23 (F) Section 28255.

24 (G) *Section 29180.*

25 ~~(G)~~

26 (H) Any other law.

27 (2) The registry shall consist of all of the following:

28 (A) The name, address, identification of, place of birth (state
29 or country), complete telephone number, occupation, sex,
30 description, and all legal names and aliases ever used by the owner
31 or person being loaned the particular firearm as listed on the
32 information provided to the department on the Dealers' Record of
33 Sale, the Law Enforcement Firearms Transfer (LEFT), as defined
34 in former Section 12084, or reports made to the department
35 pursuant to any provision listed in subdivision (a) of Section 16585,
36 Section 28255, *Section 29180*, or any other law.

37 (B) The name and address of, and other information about, any
38 person (whether a dealer or a private party) from whom the owner
39 acquired or the person being loaned the particular firearm and
40 when the firearm was acquired or loaned as listed on the

1 information provided to the department on the Dealers' Record of
2 Sale, the LEFT, or reports made to the department pursuant to any
3 provision listed in subdivision (a) of Section 16585 or any other
4 law.

5 (C) Any waiting period exemption applicable to the transaction
6 which resulted in the owner of or the person being loaned the
7 particular firearm acquiring or being loaned that firearm.

8 (D) The manufacturer's name if stamped on the firearm, model
9 name or number if stamped on the firearm, and, if applicable, the
10 serial number, other number (if more than one serial number is
11 stamped on the firearm), caliber, type of firearm, if the firearm is
12 new or used, barrel length, and color of the firearm, or, if the
13 firearm is not a handgun and does not have a serial number or any
14 identification number or mark assigned to it, that shall be noted.

15 (3) Information in the registry referred to in this subdivision
16 shall, upon proper application therefor, be furnished to the officers
17 referred to in Section 11105, to a city attorney prosecuting a civil
18 action, solely for use in prosecuting that civil action and not for
19 any other purpose, or to the person listed in the registry as the
20 owner or person who is listed as being loaned the particular firearm.

21 (4) If any person is listed in the registry as the owner of a firearm
22 through a Dealers' Record of Sale prior to 1979, and the person
23 listed in the registry requests by letter that the Attorney General
24 store and keep the record electronically, as well as in the record's
25 existing photographic, photostatic, or nonerasable optically stored
26 form, the Attorney General shall do so within three working days
27 of receipt of the request. The Attorney General shall, in writing,
28 and as soon as practicable, notify the person requesting electronic
29 storage of the record that the request has been honored as required
30 by this paragraph.

31 (c) (1) If the conditions specified in paragraph (2) are met, any
32 officer referred to in paragraphs (1) to (6), inclusive, of subdivision
33 (b) of Section 11105 may disseminate the name of the subject of
34 the record, the number of the firearms listed in the record, and the
35 description of any firearm, including the make, model, and caliber,
36 from the record relating to any firearm's sale, transfer, registration,
37 or license record, or any information reported to the Department
38 of Justice pursuant to any of the following:

39 (A) Section 26225.

1 (B) Article 1 (commencing with Section 26700) and Article 2
2 (commencing with Section 26800) of Chapter 2 of Division 6 of
3 Title 4 of Part 6.

4 (C) Article 1 (commencing with Section 27500) of Chapter 4
5 of Division 6 of Title 4 of Part 6.

6 (D) Chapter 5 (commencing with Section 28050) of Division
7 6 of Title 4 of Part 6

8 (E) Article 2 (commencing with Section 28150) of Chapter 6
9 of Division 6 of Title 4 of Part 6.

10 (F) Article 5 (commencing with Section 30900) of Chapter 2
11 of Division 10 of Title 4 of Part 6.

12 (G) Chapter 2 (commencing with Section 33850) of Division
13 11 of Title 4 of Part 6.

14 (H) Any provision listed in subdivision (a) of Section 16585.

15 (2) Information may be disseminated pursuant to paragraph (1)
16 only if all of the following conditions are satisfied:

17 (A) The subject of the record has been arraigned for a crime in
18 which the victim is a person described in subdivisions (a) to (f),
19 inclusive, of Section 6211 of the Family Code and is being
20 prosecuted or is serving a sentence for the crime, or the subject of
21 the record is the subject of an emergency protective order, a
22 temporary restraining order, or an order after hearing, which is in
23 effect and has been issued by a family court under the Domestic
24 Violence Protection Act set forth in Division 10 (commencing
25 with Section 6200) of the Family Code.

26 (B) The information is disseminated only to the victim of the
27 crime or to the person who has obtained the emergency protective
28 order, the temporary restraining order, or the order after hearing
29 issued by the family court.

30 (C) Whenever a law enforcement officer disseminates the
31 information authorized by this subdivision, that officer or another
32 officer assigned to the case shall immediately provide the victim
33 of the crime with a “Victims of Domestic Violence” card, as
34 specified in subparagraph (H) of paragraph (9) of subdivision (c)
35 of Section 13701.

36 (3) The victim or person to whom information is disseminated
37 pursuant to this subdivision may disclose it as he or she deems
38 necessary to protect himself or herself or another person from
39 bodily harm by the person who is the subject of the record.

1 SECTION 1. ~~Section 11106 of the Penal Code, as amended by~~
2 ~~Section 1.3 of Chapter 739 of the Statutes of 2013, is amended to~~
3 ~~read:~~

4 11106. ~~(a) In order to assist in the investigation of crime, the~~
5 ~~prosecution of civil actions by city attorneys pursuant to paragraph~~
6 ~~(3) of subdivision (b), the arrest and prosecution of criminals, and~~
7 ~~the recovery of lost, stolen, or found property, the Attorney General~~
8 ~~shall keep and properly file a complete record of all copies of~~
9 ~~fingerprints, copies of licenses to carry firearms issued pursuant~~
10 ~~to Section 26150, 26155, 26170, or 26215, information reported~~
11 ~~to the Department of Justice pursuant to Section 26225, 29180, or~~
12 ~~29830, dealers' records of sales of firearms, reports provided~~
13 ~~pursuant to Article 1 (commencing with Section 27500) of Chapter~~
14 ~~4 of Division 6 of Title 4 of Part 6, or pursuant to any provision~~
15 ~~listed in subdivision (a) of Section 16585, forms provided pursuant~~
16 ~~to Section 12084, as that section read prior to being repealed,~~
17 ~~reports provided pursuant to Article 1 (commencing with Section~~
18 ~~26700) and Article 2 (commencing with Section 26800) of Chapter~~
19 ~~2 of Division 6 of Title 4 of Part 6, that are not dealers' records of~~
20 ~~sales of firearms, information provided pursuant to Section 28255,~~
21 ~~and reports of stolen, lost, found, pledged, or pawned property in~~
22 ~~any city or county of this state, and shall, upon proper application~~
23 ~~therefor, furnish this information to the officers referred to in~~
24 ~~Section 11105.~~

25 ~~(b) (1) The Attorney General shall permanently keep and~~
26 ~~properly file and maintain all information reported to the~~
27 ~~Department of Justice pursuant to the following provisions as to~~
28 ~~firearms and maintain a registry thereof:~~

29 ~~(A) Article 1 (commencing with Section 26700) and Article 2~~
30 ~~(commencing with Section 26800) of Chapter 2 of Division 6 of~~
31 ~~Title 4 of Part 6.~~

32 ~~(B) Article 1 (commencing with Section 27500) of Chapter 4~~
33 ~~of Division 6 of Title 4 of Part 6.~~

34 ~~(C) Chapter 5 (commencing with Section 28050) of Division 6~~
35 ~~of Title 4 of Part 6.~~

36 ~~(D) Any provision listed in subdivision (a) of Section 16585.~~

37 ~~(E) Former Section 12084.~~

38 ~~(F) Section 28255.~~

39 ~~(G) Section 29180.~~

40 ~~(H) Any other law.~~

1 ~~(2) The registry shall consist of all of the following:~~

2 ~~(A) The name, address, identification of, place of birth (state~~
3 ~~or country), complete telephone number, occupation, sex,~~
4 ~~description, and all legal names and aliases ever used by the owner~~
5 ~~or person being loaned the particular firearm as listed on the~~
6 ~~information provided to the department on the Dealers' Record of~~
7 ~~Sale, the Law Enforcement Firearms Transfer (LEFT), as defined~~
8 ~~in former Section 12084, or reports made to the department~~
9 ~~pursuant to any provision listed in subdivision (a) of Section 16585,~~
10 ~~Section 28255, Section 29180, or any other law.~~

11 ~~(B) The name and address of, and other information about, any~~
12 ~~person (whether a dealer or a private party) from whom the owner~~
13 ~~acquired or the person being loaned the particular firearm and~~
14 ~~when the firearm was acquired or loaned as listed on the~~
15 ~~information provided to the department on the Dealers' Record of~~
16 ~~Sale, the LEFT, or reports made to the department pursuant to any~~
17 ~~provision listed in subdivision (a) of Section 16585 or any other~~
18 ~~law.~~

19 ~~(C) Any waiting period exemption applicable to the transaction~~
20 ~~which resulted in the owner of or the person being loaned the~~
21 ~~particular firearm acquiring or being loaned that firearm.~~

22 ~~(D) The manufacturer's name if stamped on the firearm, model~~
23 ~~name or number if stamped on the firearm, and, if applicable, the~~
24 ~~serial number, other number (if more than one serial number is~~
25 ~~stamped on the firearm), caliber, type of firearm, if the firearm is~~
26 ~~new or used, barrel length, and color of the firearm, or, if the~~
27 ~~firearm is not a handgun and does not have a serial number or any~~
28 ~~identification number or mark assigned to it, that shall be noted.~~

29 ~~(3) Information in the registry referred to in this subdivision~~
30 ~~shall, upon proper application therefor, be furnished to the officers~~
31 ~~referred to in Section 11105, to a city attorney prosecuting a civil~~
32 ~~action, solely for use in prosecuting that civil action and not for~~
33 ~~any other purpose, or to the person listed in the registry as the~~
34 ~~owner or person who is listed as being loaned the particular firearm.~~

35 ~~(4) If any person is listed in the registry as the owner of a firearm~~
36 ~~through a Dealers' Record of Sale prior to 1979, and the person~~
37 ~~listed in the registry requests by letter that the Attorney General~~
38 ~~store and keep the record electronically, as well as in the record's~~
39 ~~existing photographic, photostatic, or nonerasable optically stored~~
40 ~~form, the Attorney General shall do so within three working days~~

1 of receipt of the request. The Attorney General shall, in writing,
2 and as soon as practicable, notify the person requesting electronic
3 storage of the record that the request has been honored as required
4 by this paragraph.

5 (e) (1) Any officer referred to in paragraphs (1) to (6), inclusive,
6 of subdivision (b) of Section 11105 may disseminate the name of
7 the subject of the record, the number of the firearms listed in the
8 record, and the description of any firearm, including the make,
9 model, and caliber, from the record relating to any firearm's sale,
10 transfer, registration, or license record, or any information reported
11 to the Department of Justice pursuant to Section 26225, Article 1
12 (commencing with Section 26700) and Article 2 (commencing
13 with Section 26800) of Chapter 2 of Division 6 of Title 4 of Part
14 6, Article 1 (commencing with Section 27500) of Chapter 4 of
15 Division 6 of Title 4 of Part 6, Chapter 5 (commencing with
16 Section 28050) of Division 6 of Title 4 of Part 6, Article 2
17 (commencing with Section 28150) of Chapter 6 of Division 6 of
18 Title 4 of Part 6, Article 5 (commencing with Section 30900) of
19 Chapter 2 of Division 10 of Title 4 of Part 6, Chapter 2
20 (commencing with Section 33850) of Division 11 of Title 4 of Part
21 6, or any provision listed in subdivision (a) of Section 16585, if
22 the following conditions are met:

23 (A) The subject of the record has been arraigned for a crime in
24 which the victim is a person described in subdivisions (a) to (f),
25 inclusive, of Section 6211 of the Family Code and is being
26 prosecuted or is serving a sentence for the crime, or the subject of
27 the record is the subject of an emergency protective order, a
28 temporary restraining order, or an order after hearing, which is in
29 effect and has been issued by a family court under the Domestic
30 Violence Protection Act set forth in Division 10 (commencing
31 with Section 6200) of the Family Code.

32 (B) The information is disseminated only to the victim of the
33 crime or to the person who has obtained the emergency protective
34 order, the temporary restraining order, or the order after hearing
35 issued by the family court.

36 (C) Whenever a law enforcement officer disseminates the
37 information authorized by this subdivision, that officer or another
38 officer assigned to the case shall immediately provide the victim
39 of the crime with a "Victims of Domestic Violence" card, as

1 specified in subparagraph (H) of paragraph (9) of subdivision (e)
2 of Section 13701.

3 ~~(2) The victim or person to whom information is disseminated~~
4 ~~pursuant to this subdivision may disclose it as he or she deems~~
5 ~~necessary to protect himself or herself or another person from~~
6 ~~bodily harm by the person who is the subject of the record.~~

7 SEC. 2. Section 16520 of the Penal Code, as amended by
8 Section 2 of Chapter 737 of the Statutes of 2013, is amended to
9 read:

10 16520. (a) As used in this part, “firearm” means a device,
11 designed to be used as a weapon, from which is expelled through
12 a barrel, a projectile by the force of an explosion or other form of
13 combustion.

14 (b) As used in the following provisions, “firearm” includes the
15 frame or receiver of the weapon:

- 16 (1) Section 16550.
- 17 (2) Section 16730.
- 18 (3) Section 16960.
- 19 (4) Section 16990.
- 20 (5) Section 17070.
- 21 (6) Section 17310.
- 22 (7) Sections 26500 to 26588, inclusive.
- 23 (8) Sections 26600 to 27140, inclusive.
- 24 (9) Sections 27400 to 28000, inclusive.
- 25 (10) Section 28100.
- 26 (11) Sections 28400 to 28415, inclusive.
- 27 (12) Sections 29010 to 29150, inclusive.
- 28 (13) Section 29180.
- 29 (14) Sections 29610 to 29750, inclusive.
- 30 (15) Sections 29800 to 29905, inclusive.
- 31 (16) Sections 30150 to 30165, inclusive.
- 32 (17) Section 31615.
- 33 (18) Sections 31705 to 31830, inclusive.
- 34 (19) Sections 34355 to 34370, inclusive.
- 35 (20) Sections 8100, 8101, and 8103 of the Welfare and
36 Institutions Code.

37 (c) As used in the following provisions, “firearm” also includes
38 a rocket, rocket propelled projectile launcher, or similar device
39 containing an explosive or incendiary material, whether or not the
40 device is designed for emergency or distress signaling purposes:

- 1 (1) Section 16750.
- 2 (2) Subdivision (b) of Section 16840.
- 3 (3) Section 25400.
- 4 (4) Sections 25850 to 26025, inclusive.
- 5 (5) Subdivisions (a), (b), and (c) of Section 26030.
- 6 (6) Sections 26035 to 26055, inclusive.
- 7 (d) As used in the following provisions, “firearm” does not
- 8 include an unloaded antique firearm:
- 9 (1) Subdivisions (a) and (c) of Section 16730.
- 10 (2) Section 16550.
- 11 (3) Section 16960.
- 12 (4) Section 17310.
- 13 (5) Chapter 6 (commencing with Section 26350) of Division 5
- 14 of Title 4.
- 15 (6) Chapter 7 (commencing with Section 26400) of Division 5
- 16 of Title 4.
- 17 (7) Sections 26500 to 26588, inclusive.
- 18 (8) Sections 26700 to 26915, inclusive.
- 19 (9) Section 27510.
- 20 (10) Section 27530.
- 21 (11) Section 27540.
- 22 (12) Section 27545.
- 23 (13) Sections 27555 to 27570, inclusive.
- 24 (14) Sections 29010 to 29150, inclusive.
- 25 (15) Section 25135.
- 26 (16) Section 29180.
- 27 (e) As used in Sections 34005 and 34010, “firearm” does not
- 28 include a destructive device.
- 29 (f) As used in Sections 17280 and 24680, “firearm” has the
- 30 same meaning as in Section 922 of Title 18 of the United States
- 31 Code.
- 32 (g) As used in Sections 29010 to 29150, inclusive, “firearm”
- 33 includes the unfinished frame or receiver of a weapon that can be
- 34 readily converted to the functional condition of a finished frame
- 35 or receiver.
- 36 SEC. 3. Section 23910 of the Penal Code is amended to read:
- 37 23910. (a) The Department of Justice upon request may assign
- 38 a distinguishing number or mark of identification to any firearm
- 39 whenever the firearm lacks a manufacturer’s number or other mark
- 40 of identification, or whenever the manufacturer’s number or other

1 mark of identification or a distinguishing number or mark assigned
2 by the department has been destroyed or obliterated.

3 (b) The Department of Justice, upon request, shall assign a
4 distinguishing number or mark of identification to any firearm in
5 accordance with Section 29182.

6 SEC. 4. Section 28230 of the Penal Code is amended to read:

7 28230. (a) The Department of Justice may charge a fee
8 sufficient to reimburse it for each of the following but not to exceed
9 fourteen dollars (\$14), except that the fee may be increased at a
10 rate not to exceed any increase in the California Consumer Price
11 Index as compiled and reported by the Department of Industrial
12 Relations:

13 (1) For the actual costs associated with the preparation, sale,
14 processing, and filing of forms or reports required or utilized
15 pursuant to any provision listed in subdivision (a) of Section 16585.

16 (2) For the actual processing costs associated with the
17 submission of a Dealers' Record of Sale to the department.

18 (3) For the actual costs associated with the preparation, sale,
19 processing, and filing of reports utilized pursuant to Section 26905,
20 27565, 27966, or 28000, or paragraph (1) of subdivision (a) of
21 Section 27560.

22 (4) For the actual costs associated with the electronic or
23 telephonic transfer of information pursuant to Section 28215.

24 (5) For the actual costs associated with assigning a
25 distinguishing number or mark to firearms pursuant to Sections
26 29180 and 29182.

27 (b) If the department charges a fee pursuant to paragraph (2) of
28 subdivision (a), it shall be charged in the same amount to all
29 categories of transaction that are within that paragraph.

30 (c) Any costs incurred by the Department of Justice to
31 implement this section shall be reimbursed from fees collected
32 and charged pursuant to this section. No fees shall be charged to
33 the dealer pursuant to Section 28225 for implementing this section.

34 SEC. 5. Chapter 3 (commencing with Section 29180) is added
35 to Division 7 of Title 4 of Part 6 of the Penal Code, to read:

36
37 CHAPTER 3. ASSEMBLY OF FIREARMS
38

39 29180. (a) For purposes of this chapter, "manufacturing" or
40 "assembling" a firearm means to fabricate or construct a firearm,

1 or to fit together the component parts of a firearm to construct a
2 firearm.

3 (b) Commencing ~~January~~ July 1, 2016, prior to manufacturing
4 or assembling a firearm, a person manufacturing or assembling
5 the firearm shall do all of the following:

6 (1) Apply to the Department of Justice for a unique serial
7 number or other mark of identification pursuant to Section 29182.

8 (2) (A) ~~Within one day~~ ten days of manufacturing or assembling
9 a firearm in accordance with paragraph (1), the unique serial
10 number or other mark of identification provided by the department
11 shall be engraved or permanently affixed to the firearm ~~in~~
12 ~~accordance with regulations prescribed by the department pursuant~~
13 ~~to Section 29182~~ and in a manner that meets or exceeds the
14 requirements imposed on licensed importers and licensed
15 manufacturers of firearms pursuant to subsection (i) of Section
16 923 of Title 18 of the United States Code and regulations issued
17 pursuant thereto.

18 (B) *If the firearm is manufactured or assembled from polymer*
19 *plastic, 3.7 ounces of material type 17-4 PH stainless steel shall*
20 *be embedded within the plastic upon fabrication or construction*
21 *with the unique serial number engraved or otherwise permanently*
22 *affixed in a manner that meets or exceeds the requirements imposed*
23 *on licensed importers and licensed manufacturers of firearms*
24 *pursuant to subsection (i) of Section 923 of Title 18 of the United*
25 *States Code and regulations issued pursuant thereto.*

26 (3) After the serial number provided by the department is
27 engraved or otherwise permanently affixed to the firearm, the
28 person shall notify the department of that fact in a manner and
29 within a time period specified by the department, and with
30 sufficient information to identify the owner of the firearm, the
31 unique serial number or mark of identification provided by the
32 department, and the firearm in a manner prescribed by the
33 department.

34 (c) ~~By July 1, 2016,~~ January 1, 2017, any person who, as of
35 ~~January~~ July 1, 2016, owns a firearm that does not bear a serial
36 number assigned to it pursuant to either Section 23910 or pursuant
37 to Chapter 44 (commencing with Section 921) of Title 18 of the
38 United States Code and the regulations issued pursuant thereto,
39 shall do all of the following:

(1) Apply to the Department of Justice for a unique serial number or other mark of identification pursuant to Section 29182.

(2) ~~Within one day~~ *ten days* of receiving a unique serial number or other mark of identification from the department, the unique serial number or other mark of identification provided by the department shall be engraved or permanently affixed to the firearm in accordance with regulations prescribed by the department pursuant to Section 29182 and in a manner that meets or exceeds the requirements imposed on licensed importers and licensed manufacturers of firearms pursuant to subsection (i) of Section 923 of Title 18 of the United States Code and regulations issued pursuant thereto.

(3) After the serial number provided by the department is engraved or otherwise permanently affixed to the firearm, the person shall notify the department of that fact in a manner and within a time period specified by the department, and with sufficient information to identify the owner of the firearm, the unique serial number or mark of identification provided by the department, and the firearm in a manner prescribed by the department.

(d) (1) The sale or transfer of ownership of a firearm manufactured or assembled pursuant to this section is prohibited.

(2) Paragraph (1) shall not apply to the transfer, surrender, or sale of a firearm to a law enforcement agency.

(3) Any firearms surrendered, transferred, or sold to a local law enforcement agency pursuant to paragraph (2) shall be destroyed as provided in Section 18005.

(4) Sections 26500 and 27545, and subdivision (a) of Section 31615, shall not apply to the transfer, sale, or surrender of firearms to a law enforcement agency pursuant to paragraph (2).

(e) A person, corporation, or firm shall not knowingly allow, facilitate, aid or abet the manufacture or assembling of a firearm pursuant to this section by a person who is within any of the classes identified by Chapter 2 (commencing with Section 29800) or Chapter 3 (commencing with Section 29900) of Division 9, or Section 8100 or 8103 of the Welfare and Institutions Code.

~~(f)~~

(f) If the firearm is a handgun, a violation of this section is punishable by imprisonment in a county jail not to exceed one year, or by a fine not to exceed one thousand dollars (\$1,000), or

1 by both that fine and imprisonment. For all other firearms, a
2 violation of this section is punishable by imprisonment in a county
3 jail not to exceed six months, or by a fine not to exceed one
4 thousand dollars (\$1,000), or by both that fine and imprisonment.
5 Each firearm found to be in violation of this section constitutes a
6 distinct and separate offense. This section does not preclude
7 prosecution under any other law providing for a greater penalty.

8 29181. Section 29180 does not apply to or affect any of the
9 following:

10 (a) A firearm that has a serial number assigned to it pursuant to
11 either Section 23910 or pursuant to Chapter 44 (commencing with
12 Section 921) of Title 18 of the United States Code and the
13 regulations issued pursuant thereto.

14 (b) A firearm made or assembled prior to December 16, 1968,
15 that is not a handgun.

16 (c) *A firearm which was entered into the centralized registry*
17 *set forth in Section 11106 prior to January 1, 2015 as being owned*
18 *by a specific individual or entity if that firearm has assigned to it*
19 *a distinguishing number or mark of identification to that firearm*
20 *by virtue of the department accepting entry of that firearm into*
21 *the centralized registry.*

22 (d) *A firearm that has a serial number assigned to it pursuant*
23 *to Chapter 53 of Title 26 of the United States Code and the*
24 *regulations issued pursuant thereto.*

25 ~~(e) A firearm that is a curio or relic, as defined in Section 478.11~~
26 ~~of Title 27 of the Code of Federal Regulations, or its successor.~~

27 29182. (a) (1) The Department of Justice shall accept
28 applications from, and shall grant applications in the form of serial
29 numbers pursuant to Section 23910 to, persons who wish to
30 manufacture or assemble firearms pursuant to subdivision (b) of
31 ~~Section 29180 or own a firearm described in subdivision (c) of~~
32 ~~Section 29180.~~ 29180.

33 (2) *The Department of Justice shall accept applications from,*
34 *and shall grant applications in the form of serial numbers pursuant*
35 *to Section 23910 to, persons who wish to own a firearm described*
36 *in subdivision (c) of Section 29180.*

37 (b) An application made pursuant to subdivision (a) shall only
38 be granted by the department if the applicant does all of the
39 following:

1 (1) Completes a personal firearms eligibility check pursuant to
2 Section 30105, demonstrating that the applicant is not prohibited
3 by state or federal law from possessing, receiving, owning, or
4 purchasing a firearm.

5 (2) Presents proof of age and identity as specified in Section
6 16400. The applicant shall be 18 years of age or older to obtain a
7 unique serial number or mark of identification for a firearm that
8 is not a handgun, and shall be 21 years of age or older to obtain a
9 unique serial number or mark of identification for a handgun.

10 (3) Provide a description of the firearm that he or she *owns or*
11 *intends to manufacture or assemble*, in a manner ~~proscribed~~
12 *prescribed* by the department.

13 (4) Have a valid firearm safety certificate or handgun safety
14 certificate.

15 (c) The department shall inform applicants who are denied an
16 application of the reasons for the denial in writing.

17 (d) All applications shall be granted or denied within 15 calendar
18 days of the receipt of the application by the department.

19 ~~(e) The department shall recover the full costs of administering~~
20 ~~the program by collecting fees from persons making applications~~
21 ~~pursuant to this section. The department shall include a discreet~~
22 ~~fee as part of the application process to cover the cost of placing~~
23 ~~information provided pursuant to paragraph (3) of subdivision (b),~~
24 ~~or paragraph (3) of subdivision (c), of Section 29180, in the~~
25 ~~centralized registry specified in Section 11106. The fee for~~
26 ~~reporting information shall not exceed the costs associated with~~
27 ~~the submission of information to the department pursuant to Section~~
28 ~~28000.~~

29 *(e) This chapter does not authorize a person to manufacture,*
30 *assemble, or possess a weapon prohibited under Section 16590,*
31 *an assault weapon as defined in Section 30510 or 30515, a*
32 *machinegun as defined in Section 16880, a .50 BMG rifle as*
33 *defined in Section 30530, or a destructive device as defined in*
34 *Section 16460.*

35 (f) The department shall adopt regulations to administer this
36 chapter.

37 29183. The Department of Justice shall maintain and make
38 available upon request information concerning all of the following:

39 (a) The number of applications made and granted pursuant to
40 Section 29182.

1 (b) The amount of fees collected pursuant to Section 29182.

2 (c) The number of arrests for violations of Section 29180.

3 SEC. 6. No reimbursement is required by this act pursuant to
4 Section 6 of Article XIII B of the California Constitution because
5 the only costs that may be incurred by a local agency or school
6 district will be incurred because this act creates a new crime or
7 infraction, eliminates a crime or infraction, or changes the penalty
8 for a crime or infraction, within the meaning of Section 17556 of
9 the Government Code, or changes the definition of a crime within
10 the meaning of Section 6 of Article XIII B of the California
11 Constitution.